

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10697-2017 (O&M)

Date of Decision: 30.11.2023

Nitin Anand

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sandeep Arora, Advocate, for the petitioner.

Mr. Ramdeep Partap Singh, Senior DAG, Punjab.

Mr. G.S. Rawat, Advocate, for respondents No.2 and 3.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.188 dated 10.11.2014, under Sections 420, 465, 467, 468, 471 and 506 IPC, registered at Police Station Basti Bawa Khel, Jalandhar alongwith all other consequential proceedings based upon compromise.

2. It has been submitted by the learned counsel for the petitioner that the dispute arose between the petitioner and the private respondents No.2 and 3 with regard to a property and thereafter, the matter was amicably settled between the parties vide Annexure P-2. He submitted that the subject matter of the dispute does not fall in the category of any serious or heinous offence since the dispute was between both the parties *inter se*

only and did not affect the society at large. He further submitted that when notice of motion was issued by this Court on 11.09.2017, the parties were directed to appear before the learned Illaqa Magistrate/trial Court for recording of the statements and the trial Court was directed to submit the report and thereafter, a report has been submitted by the learned trial Court. He submitted that earlier there were some factual mistakes in the report but a fresh report has been called by this Court and now a fresh report has been submitted by the learned trial Court in this regard. He submitted that in view of the aforesaid facts and circumstances, no useful purpose will be served in case the further prosecution is carried on since it was a dispute between two family members which has now been resolved.

3. Mr. Ramdeep Partap Singh, learned Senior DAG, Punjab has submitted that it is a dispute between two parties and, therefore, the State has no objection in case the aforesaid FIR is quashed based upon compromise since the State is not prejudicially affected.

4. Mr. G.S. Rawat, Advocate has appeared on behalf of the complainant and has stated that the matter has been amicably settled between the parties without any coercion or undue influence and he has no objection in case the FIR is quashed based upon compromise.

5. I have heard the learned counsel for the parties.

6. This Court on 29.08.2023 had directed the Judicial Magistrate First Class, Jalandhar to send a fresh report with regard to the genuineness and voluntariness of the compromise since in the earlier report sent by the Magistrate there were some factual mistakes. Now a fresh report has been received from the learned Judicial Magistrate First Class, Jalandhar wherein it has been stated that the complainants namely, Suresh Kumar and

Prem Lata have appeared before the learned Magistrate and they have suffered the statement to the effect that the present case was registered against the petitioner namely, Nitin Anand and with the intervention of the respectables the matter in dispute has been compromised between them and the aforesaid compromise has been effected with free will, sound disposing mind and without any coercion and they have no objection in case the said FIR is quashed on account of compromise. On the same date, the petitioner namely, Nitin Anand also appeared and also made a separate statement with regard to the aforesaid compromise. Learned Magistrate has also reported that on 25.07.2023, he had issued notice to the I.O and has also verified that the accused person in the present case is present petitioner namely, Nitin Anand and challan was prepared against him and it was also stated by him that the petitioner is the only accused person in the present case and he has not been declared as a proclaimed offender and there is no other FIR registered against the present petitioner. Learned Magistrate has further reported that on the basis of the statements of the complainants and the accused person, the Magistrate is satisfied that the compromise between the parties is genuine, voluntary and without any coercion and undue influence.

7. The law with regard to quashing of FIR based upon compromise is no longer *res integra*. The Hon'ble Supreme Court in “**Gian Singh Vs. State of Punjab and another**”, 2012(10) SCC 303, “**State of Madhya Pradesh Vs. Laxmi Narayan and others**”, 2019(2) SCC (Crl.) 706 and Full Bench judgment of this Court in “**Kulwinder Singh and others Vs. State of Punjab and others**”, 2007(3) RCR(Criminal) 1052 observed that in case there is financial dispute between the parties and the same is amicably settled and the Court is satisfied that in order to secure

the ends of justice, if FIR can be quashed based upon compromise, then such powers can always be exercised by the High Court by invoking the provisions of Section 482 of the Code of Criminal Procedure. However, in case the category of the case falls within the category of serious or heinous offence, then in that situation such a power should not be invoked.

8. After perusing the record and after hearing the learned counsel for the parties, this Court is of the considered view that in the light of the aforesaid judgments of the Hon'ble Supreme Court and a Full Bench judgment of this Court, the subject matter of the present case does not fall in the category of serious or heinous offence and, therefore, it is a fit case for quashing of the FIR based upon compromise.

9. Consequently, the present petition is allowed and the FIR No.188 dated 10.11.2014, under Sections 420, 465, 467, 468, 471 and 506 IPC, registered at Police Station Basti Bawa Khel, Jalandhar alongwith all other consequential proceedings is hereby quashed qua the petitioners based upon compromise.

30.11.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No